

FINAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR) proposes to adopt reserved Article 2 and its Sections under Subchapter 6 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Adult Parole and the Preventing Parolee Crime Program. Specifically, the following reserved Sections, which are titled, are being adopted with new text: 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3522, 3523, 3525, 3526, and 3527. Reserved Section 3521.6 and 3524 titles have been deleted but the Section numbers remain reserved for future use.

The record high recidivism rates among California parolees in the late 1980's prompted a series of hearings initiated by then Senator Robert Presley, which concluded that the parole system in California needed more definitive and consistent decision-making criteria to guide parole revocation decisions. Testimonies by experts during these hearings also called for increased investment in, and utilization of, community-based services by the Department, which at that time was called the Department of Corrections, to deal with the many problems that cause the high rate of return to prison. These problems include substance abuse, unemployment, illiteracy, and homelessness, which were the main barriers to the parolee's ability to successfully reintegrate into the community.

In 1991, the Department submitted a Budget Change Proposal (BCP) and secured funding to provide community-based programs for substance abuse treatment, literacy, employment placement, and residential services for homeless parolees. As a result of these Legislative hearings, \$7.7 million was appropriated annually for what became known as the Preventing Parolee Failure Program, which served as the catalyst that led to the Parole and Community Services Division, now titled the Division of Adult Parole Operations (DAPO), effort to increase community programs and resources that addressed the major barriers to an offender's success on parole.

Encouraged by the success of the program, the State Legislative Analyst's Office (LAO) issued a report (LAO 1998) that recognized the Department's pivotal role in reintegrating offenders back into the community and providing a bridge between incarceration and a productive, crime-free life in the community. The report pointed out that thousands of inmates released each year were unprepared to reintegrate into the community, thus committing violations of their conditions of parole that soon led to their return to prison by the Board of Prison Terms, now titled the Board of Parole Hearings. The LAO specifically recommended that the Legislature increase funding to the Department to expand the Preventing Parolee Failure Program to parole units lacking such services as a measure to reduce parole failures and re-incarceration and implement changes in the system of supervision, control, and sanction of parolees that would lead to improved public safety, less prison overcrowding, and significant State savings.

In 1998, Assembly Bill 2321 provided funding to the Department to expand the previously successful Preventing Parolee Failure Program, which it renamed the Preventing Parolee Crime Program. As codified in Penal Code (PC) Section 3068, the program was to include several major service components such as residential multi-service centers, literacy labs, substance abuse education, drug treatment networks, employment readiness and job placement assistance. Subsequent appropriations have more than doubled the original Preventing Parolee Crime Program budget. The current Preventing Parolee Crime Program (PPCP) budget is approximately \$32 million.

In December 2003, the California State University San Marcos completed a comprehensive study of the Department's Preventing Parolee Crime Program in an effort to determine its effectiveness at reducing recidivism. For reference, a copy of the report, which is titled "An Evaluation of the California Preventing Parolee Crime Program" was attached to the Initial Statement of Reasons for public review.

As provided in the report, a total of 28,262 participants were studied for a period between one and three years. The findings include that the rate of return to prison within one year of release to parole was 46.9 percent for all Preventing Parolee Crime Program participants, compared to 54.7 percent among the larger statewide non-Preventing Parolee Crime Program population. The rate of program completion was 40 percent; or 11,436 of the Preventing Parolee Crime Program population were able to complete at least one of their enrolled services. The reincarceration rate for these program completers was 33.8 percent, more than 20 percentage points lower than the comparison population. Parolees who finished their enrolled services were also less likely to abscond from parole than those who did not complete their treatment.

Although the Preventing Parolee Crime Program is already an established program within the CDCR, this action is necessary in order to bring the Department into regulatory compliance and to make specific, the mandates of PC Section 3068 which dictates that the Department shall operate the Preventing Parolee Crime Program. The Department recognizes that portions of the language utilized in these Sections duplicates state statute, more specifically in part, PC Section 3068. This is necessary as the target population for the CCR Title 15, Division 3, includes incarcerated inmates and newly released parolees. This population does not have immediate access to current California Penal Code editions for review. By duplicating the statutory language, the Department can establish the foundation for the regulation to help ensure a complete understanding of the statutory authority. Because of this necessity, it is the Department's position that any duplication of state statute in these regulations does not serve as the same purpose for the above referenced PC Section, and as provided in Government Section 11349(f), is necessary and allowed in order to satisfy the clarity standard as described in Government Section 11349(c).

This action is also necessary in order to ensure that the main target population that is affected by these regulations, namely incarcerated inmates and newly released parolees, have a complete understanding of the program and its components. This helps to ensure a more successful parole. This also establishes and clarifies to both staff and parolees, standard statewide processes and procedures that are to be followed.

It should be noted that every program component of the PPCP as specified in the regulatory text, and as described in this Final Statement of Reasons, may not be available at every institution and/or within each parole office location or region. This is based on certain factors which include location and/or contract program provider availability, and the Department's current budget allotment for the PPCP. Staying within these factors, the Department does attempt to make the PPCP available to as many eligible inmates/parolees as possible.

These regulations also include additional changes made to the originally proposed text. It was determined by the Department that additional clarification to the regulations were needed for clarification and consistency standards. This was accomplished by a 15-Day Renote with the effective comment period of October 29, 2010 – November 15, 2010. Changes to the text included the deletion of the originally referenced CDCR Form 1233 because it was determined this form was not relevant to this subject matter and process. In addition, to remove confusion throughout this Article and provide better clarity and organization, Sections 3524 and 3525 which were the Exclusionary and Eligibility Criteria, were deleted, and language from those Sections were instead incorporated into each individual Component Program Section, and configured according to each individual Program's specific requirements.

After completion of the 15-Day Renote, the Department determined that additional text changes were still needed for corrective purposes. These changes were presented in a 2nd 15-Day Renote with the effective dates of December 28, 2010 – January 14, 2011. Changes provided in the 2nd 15-Day Renote included the following:

- Deleting the component program, Job Placement Assistance Program, which is no longer part of the Preventing Parolee Crime Program;
- Adding new language applicable to the Parolee Service Center (PSC) Program, which provides clarifying/corrective language specifying that PSC facilities may also be used for residential placement of eligible parolees on a sanctioned basis, meaning that the placement was the result of an adjudicated parole violation at the parole unit level, or as a result of a Board of Parole Hearing action and referral
- Omitting the factors “Parolees who have a current or prior conviction for arson pursuant to PC section 451(a), 451(b), or 451.5” and “Validated prison gang members” from the exclusionary criteria for the PSC Program and the Residential Multi-Service Center (RMSC) Program, and moving the factor “Validated prison gang members” to the “case-by-case basis” determining factors for the PSC and RMSC Programs. In addition, exclusionary criteria was removed for the Day Reporting Center (DRC) Program, the Computer Literacy Learning Center (CLLC) Program, and the Drug Treatment Network Program, as it was determined there is no exclusionary criteria for these Programs, except that the DRC Program has two “case-by-case basis” determining factors.
- New language was provided for the DRC Program which allows for transitional housing to eligible parolees who have no existing housing arrangement, or are living in an environment not conducive to maintaining a drug, alcohol, or crime-free lifestyle.
- The title of the component program “Computerized Literacy Learning Center Program,” was changed to “Computer Literacy Learning Center Program” for correction.
- Add a new title and language to reserved Section 3525. Previous text in this Section had been deleted in the 1st 15-Day Renotice. This Section now provides the title heading “Preventing Parolee Crime Program Site Restriction,” and new language in the 2nd 15-Day Renotice specified that “All new Preventing Parolee Crime Program components, as described in section 3521, shall ensure that the property line of the program facility meets the following site restriction criteria.” The criteria are as follows: (1) Meets all local ordinance zoning restrictions, and (2) Is no closer than 300 feet from a school, park, daycare facility, or place where children regularly gather.

The changes to the proposed regulations are as follows:

Reserved Article 2 is now adopted.

Article 2. Preventing Parolee Crime Program

Reserved titled Section 3520 and new text are adopted.

3520. Preventing Parolee Crime Program.

New Section 3520 is adopted. In the originally proposed text, new language established a logical beginning in these regulations by defining the intent and purpose of these regulations under Article 2, and briefly describing what the Preventing Parolee Crime Program provides under the mandate of PC Section 3068.

After closure of the initial comment period, it was determined that additional changes were needed in this Section and were presented in the following:

- 15-Day Renotice. New language was added for a more accurate listing of the programs offered and the services provided in the Preventing Parolee Crime Program.
- 2nd 15-Day Renotice. The reference to “job placement assistance” was proposed for deletion from this section, as a PPCP Component Program. The reason for this proposed change was that

the Job Placement Assistance Program is no longer part of the Preventing Parolee Crime Program and is instead under a different program authority within the CDCR. However, the reference to job placement assistance has been restored (as previously noticed in the originally proposed regulation text for this Section), as job placement assistance is in fact provided within several of the Preventing Parolee Crime Program component programs (see the explanation below for subsection 3521.6(b)).

Reserved titled Section 3521 and new text are adopted.

3521. Preventing Parolee Crime Program Components.

New Section 3521 and subordinate Subsections (a) through (e) are adopted. In the originally proposed text, language established in general terms, the Component Programs that make up the Preventing Parolee Crime Program. This makes specific the provisions of PC Section 3068(a), and provides an easy to understand overview of the program and subject matter that will be covered in the subsequent text provided, and the order by which it is presented.

After closure of the initial comment period, it was determined that additional changes were needed in this Section and were presented in the following:

- 15-Day Renote. The words “Component Programs” were added at the end of the first sentence, so the text now read as “The Preventing Parolee Crime Program includes, but is not limited to, the following Component Programs.” This was done for a clearer understanding and to differentiate that the Preventing Parolee Crime Program is comprised of several Component Programs. In addition, to provide a more accurate identification, the word “Program” was added to each specific Component Program as it was then listed in Subsections 3521(a) through (f). In Subsection 3521(d) the word “Center” was added for correction to the title name “Computerized Literacy Learning Center Program.”
- 2nd 15-Day Renote. Subsection 3521(f) and the text regarding component program “Job Placement Assistance Program,” which is no longer a part of the Preventing Parolee Crime Program, as previously stated, was deleted from this section.

Reserved titled Section 3521.1 and new text are adopted.

3521.1. Parolee Service Center Program.

New Section 3521.1 and subordinate Subsections (a) through (e) are adopted. In the originally proposed text new language established in the regulations, the purpose of the Parolee Service Center Program (PSC) and the components and criteria by which it functions.

After closure of the initial comment period, it was determined that additional changes were needed, which were presented in the following:

- 15-Day Renote. The word “Program” was added to the title of this Section to now reflect “Parolee Service Center Program,” which more accurately identified it as a Component Program within the Preventing Parolee Crime Program. In addition, due to the movement of text from Sections 3524 and 3525 (Exclusionary Criteria and Eligibility Criteria), renumbering of Subsections occurred and new Subsections were also created.

The following descriptions of the Subsections are listed below with a brief overview:

Subsection 3521.1(a). In the originally proposed text, language provided that PSC's are used as a residential placement for eligible parolees on a non-sanctioned basis, meaning that the placement was not the result of an adjudicated parole violation. Text also provided that services are provided to newly paroled inmates with no available resources, as well as homeless parolees and parolees seeking a positive change to their current situation. This language was necessary to help ensure that eligible parolees who seek help or assistance can find it. Additional changes were also provided in the following:

- **15-Day Renote.** Changes to this Subsection included: For clearer meaning and understanding, the beginning sentence was changed to "PSC facilities are used for residential placement of eligible parolees." Also, for proper grammar and punctuation, a second sentence was created, and the wording "and provides" was changed to "PSC facilities provide."
- **2nd 15-Day Renote.** For correction, additional language was added to state that "PSC facilities may be used for residential placement of eligible parolees on a sanctioned basis, meaning that the placement was the result of an adjudicated parole violation at the parole unit level, or as a result of a Board of Parole Hearing action and referral." This was necessary as this language had inadvertently been left out on previous text versions.

Subsections 3521.1(b), (b)(1), (b)(2), and (b)(3). In the originally proposed text, language in these Subsections established that all parolees are eligible for placement in a PSC Program, except for certain parolees who are excluded, as was specified by the criteria listed. The reason for this excluding criteria included as follows: Subsection (b)(1) parolees shall be considered ineligible and excluded from PSC Programs if they have backgrounds of arson, or sex offenses (Penal Code 290 Sex Registrants), as these parolees pose a potential risk to the safety and security of other program participants and staff; Subsection (b)(2) are physically incapable from participation due to extended incarceration; and Subsection (b)(3) are in need of medical detoxification. In addition, the excluding criteria helped to enhance participation for those parolees who could benefit and finish the program along with ensuring the safety and security of the program participants, staff and the public. This ensured a clear understanding of who was eligible for PSC Program placement.

Additional changes were also provided in the following:

- **15-Day Renote.** In Subsection 3521.1(b) for proper capitalization the letter "P" in "Parolees" was changed to a lower case, and the text in 3521.1(b) was changed to "All parolees are eligible for placement in the PSC Program who voluntarily agree to participate in the program, except the following parolees who shall be excluded." This provided for better clarity and sentence structure. As previously described, for better clarity and consistency throughout this Article, the text from Section 3524 (Exclusionary Criteria), was eliminated, and text from that Section was incorporated into this Subsection and configured according to the Program's specific requirements. As a result of the changes there was renumbering and reorganization of this Subsection, with new Subsections 3521.1(b)(4) through (b)(9) being created. Subsections 3521.1(b)(1) through (b)(9) listed all of the exclusionary criteria for the PSC Program. In Subsection 3521.1(b)(8), to clarify what is an interstate parolee, a definition was provided.
- **2nd 15-Day Renote.** The criteria factor text "Parolees who have a current or prior conviction for arson pursuant to PC Sections 451(a), 451(b) or 451.5" was deleted, as it was determined not to be an exclusionary criterion for the PSC Program. In addition, the criteria factor "Validated prison gang members," was also deleted as it was determined not to be an exclusionary criterion for the PSC Program. As a result of the deletion of these factors, there was a renumbering of the Subsections.

Subsection 3521.1(c). In the originally proposed text, language established that the PSC Program had an initial placement of 90-days, not to exceed one year. It was determined that 90 days was the minimum amount of time required for placement, and the text “to not exceed one year” ensured enough flexibility, yet a sufficient amount of time to provide any placement and/or assistance needed. Additional changes were also provided in the following:

- 15-Day Renotece., Changes were made to this Subsection as follows: The original proposed text language in Subsection 3521.1(c) was renumbered as 3521.1(d). New language was added so that Subsection 3521.1(c) now provided “The following parolees will be considered on a case-by-case basis for participation in the PSC Program.” As previously stated, in order to provide for better clarity and consistency throughout this Article, Section 3525 (Eligibility Criteria), which was eliminated, was incorporated into this Subsection and configured according to the Program’s specific requirements. New Subsections 3521.1(c)(1) through (c)(7) were created which listed the “case-by-case” criteria for participation in the PSC Program. These Subsections provided for better clarity, the criteria for those parolees that are now to be considered on a case-by-case basis for participation in the PSC Program.
- 2nd 15-Day Renotece. What was previously an exclusionary criterion for the PSC Program, “Validated prison gang members,” was relocated so that it is now a criterion for consideration on a “case-by-case basis” in the PSC Program.

Subsection 3521.1(d). In the originally proposed text language provided that parolees remain on active parole status while programming at the PSC. This was necessary to ensure that both parolees and staff understand the parole status requirements. For clarification, “active parole status” means: The parole period is actively being counted as cumulative toward a final date of discharge, and is not otherwise in suspend status, where time is suspended by Board of Parole Hearings action and a warrant is issued for arrest and detention.

In the 15-Day Renotece changes were made to this Subsection. Due to the renumbering changes, original Subsection 3521(d) was renumbered 3521.1(e). Text for renumbered Subsection 3521.1(d), formally 3521.1(c), was amended to now read “The PSC Program has an initial placement of 90-days, with the maximum stay not to exceed one year in accordance with subsection 3522(a)(1).” This amended language was necessary to clarify the timeframe of an initial placement and remove any conflict with Subsection 3522(a)(1).

New Subsection 3521.1(e), formerly 3521(d), was created due to the renumbering changes. Text changes now provide “Parolees remain on active parole status while participating in the PSC Program.” For more appropriate meaning, the words “programming at” were deleted and replaced with the words “participating in.” In addition, the word “Program” was added after the word “PSC” for text consistency and clearer meaning.

Section 3521.1 Note Section, specifically the Reference citation, was amended by adding reference to Penal Code Section 3000.3, which provides the exclusionary criteria referenced in this Section.

Reserved titled Section 3521.2 and new text are adopted.

3521.2. Residential Multi-Service Center Program.

Subsection 3521.2(a) is adopted. In the originally proposed text, new language provided the purpose and intent of the Residential Multi-Service Center (RMSC) as a part of the Preventing Parolee Crime Program. Additional language specified for clear meaning, that the primary goal of the RMSC Program is to reduce parolee failures and their subsequent return to prison by providing a variety of services to homeless

parolees and those in at-risk environments. This text ensured that participants and staff both understood the goals and intent of the RMSC.

Additional changes were also presented in the 15-Day Renotice. The title of Section 3521.2 was changed to now reflect “Residential Multi-Service Center Program,” which more accurately identified it as a Component Program within the Preventing Parolee Crime Program. There were no changes to text language in Subsection 3521.2(a).

Subsection 3521.2(b). In the originally proposed text, new language specified the services provided by the RMSC to male and female parolees. This included housing, drug counseling, literacy training, job preparation/placement, anger management classes, as well as individual and group counseling. Text also provided that the program offered up to six months of residence with participation in a 90-day aftercare program. The “up to six month” time frame for the program is necessary because substance abuse treatment providers typically offer up to six months of treatment in various modalities, which include: detoxification (the social model not requiring medical intervention or hospitalization), residential treatment, Sober Living Environment (SLE), and outpatient services. The 90 day aftercare program is provided because parolees may be placed into short term residential SLE or outpatient status due to full time work, and for these reasons cannot live in a residential setting, or may also be provided treatment as deemed appropriate. This language ensured that staff and parolee participants understood what services were provided and the period of time allowed for residence.

In the 15-Day Renotice changes to this Subsection were as follows: In the second sentence for clearer meaning, the text “a standard placement of” was added after the wording “The program offers” so that it now reads as “The program offers a standard placement of.” In addition, a new sentence was added which states: “Parolees may be allowed to stay in residence up to a maximum of one year, as provided in Subsection 3522(a)(1).” This provided for clearer meaning and consistency throughout this Article, and removed any conflict of text with Subsection 3522(a)(1).

Subsections 3521.2(c)(1) through (c)(3). In the originally proposed text, language in these Subsections established the criteria for parolees who will be considered ineligible for the RMSC Program. This was necessary to help ensure that the safety and security of the staff, program participants, and the public was maintained. The reason for the specific excluding criteria provided was as follows: Subsection (c)(1) parolees shall be considered ineligible and excluded from the RMSC if they have backgrounds of arson, or sex offenses (Penal Code 290 Sex Registrants); these parolees pose a potential risk to the safety and security of other program participants and staff (as a special note the text “residential drug treatment” was referenced in the Initial Statement of Reasons. This text reference was incorrect and was corrected to reflect the correct program of “RMSC”); Subsection (c)(2) specified parolees who are physically incapable from participation due to extended incarceration; and Subsection (c)(3) specified parolees are in need of medical detoxification. As a special note, the following text “or otherwise physically or mentally unable to care for themselves” was originally referenced in the Initial Statement of Reasons. This text reference was incorrect and was removed. Additional changes were also provided in the following:

15-Day Renotice. As stated previously, in order to provide better clarity and consistency throughout this Article, Section 3524 (Exclusionary Criteria) was eliminated and text from that Section was incorporated into this Subsection and configured according to the Program’s specific requirements. As a result of the changes, there was a reorganization and renumbering of this Subsection and new Subsections 3521.2(c)(4) through (c)(9) were added. Subsections 3521.2(c)(1) through (c)(9) listed all of the exclusionary criteria for the RMSC Program. These Subsections provided for better clarity of the exclusionary criteria applicable to the Residential Multi-Service Center Program.

2nd 15-Day Renotice. The reference to the criteria factor “Parolees who have a current or prior conviction for arson pursuant to PC sections 451(a), 451(b) or 451.5” was deleted as it was determined by the

Department not to be an exclusionary criterion for the RMSC Program. In addition, the reference to criteria factor “Validated prison gang members,” was deleted as it was also determined not to be an exclusionary criterion for the RMSC Program. As a result of the deletion of these factors, there was renumbering of the Subsections.

Subsection 3521.2(d), now 3521.2(e). In the originally proposed text, language in Subsection 3521.2(d) provided that parolees remain on active parole status while programming at the RMSC. This language ensured that both parolees and staff understood the parole status of the parolee. Additional changes were also provided in the following:

- **15-Day Renote.** Subsection 3521.2(d) was renumbered 3521.2(e). New Subsection 3521.2(d) language provided “The following parolees will be considered on a case-by-case basis for participation in the RMSC Program.” As previously stated, in order to provide better clarity and consistency throughout this Article, Section 3525 (Eligibility Criteria) was eliminated and text from that Section was incorporated into this Subsection and configured according to the Program’s specific requirements. As a result of the changes, there was a reorganization of this Subsection, and new Subsections 3521.2(d)(1) through (d)(7) were created, which listed the criteria for parolees that are to be considered on a case-by case basis for participation in the RMSC Program.
- **2nd 15-Day Renote.** As determined by the Department for correction, what was previously an exclusionary criterion for the RMSC Program, “Validated prison gang members”, was relocated so that it is now a criterion for consideration on a “case-by-case basis” in the RMSC Program. In new Subsection 3521.2(e), previously Subsection 3521.1(d). Text was amended to now read as “Parolees remain on active parole status while participating in the RMSC Program.” For more appropriate meaning, the words “programming at” were deleted and replaced with the words “participating in.” In addition, the word “Program” was added after the word “RMSC” for text consistency and clearer meaning.

Section 3521.2, Note Section, specifically the Reference citation, was amended by adding reference to Penal Code Section 3000.3, which provides the exclusionary criteria referenced in this Section

Reserved titled Section 3521.3 and new text are adopted.

3521.3. Day Reporting Center Program.

Section 3521.3 In the originally proposed text new language established that the Day Reporting Center (DRC) Program is a parolee resource center that conducts a comprehensive intake evaluation and assessment on referral parolees to determine their specific needs. Text also provided that there was no exclusionary criteria for admittance into the DRC except as provided in Section 3524, which was the Exclusionary Criteria. Explanation concerning the criteria provided was in the Section 3524 narrative. The language in this Section ensured that every eligible parolee who was in need of the DRC had access to its services. Additional changes were also provided in the following:

- **15-Day Renote.** The title of this Section was changed to now reflect it as “Day Reporting Center Program,” which more accurately identifies it as a Component Program within the Preventing Parolee Crime Program. For a more appropriate meaning, the first sentence in this Section was amended to remove the word “a”, and also to replace the word “step” with the word “stop” so that text now reads as “The Day Reporting Center (DRC) Program provides “one-stop” parolee resource centers.” Additional changes to this Section included the incorporation of Sections 3524 and 3525 (Exclusionary Criteria and Eligibility Criteria), which required renumbering and reorganization of existing Subsections, as well as the creation of new Subsections. In Subsection

3521.3(a) the originally proposed text was deleted, and replaced with the following text: “All parolees are eligible for placement in the DRC Program who voluntarily agree to participate in the program, except the following parolees who shall be excluded.” As stated previously, for better clarity and organization, the Exclusionary Criteria text which was previously in Section 3524, which is now deleted, was incorporated into this Subsection and configured according to the Program’s specific requirements. As a result of the changes new Subsections 3521.3(a)(1) through (a)(8) were created which provided the exclusionary criteria for the Day Reporting Center Program. This clarified all of the exclusionary criteria applicable to the Day Reporting Center Program.

- **2nd 15-Day Renotice.** Subsection 3521.3(a) which was identified in the 15-Day Renotice was renumbered 3521.3(b). New language for new Subsection 3521.3(a) specified “Where available under the DRC Program, transitional housing shall be made available to eligible parolees who have no existing housing arrangement, or are living in an environment which is not conducive to maintaining a drug, alcohol, and/or crime-free lifestyle. Parolee housing may be dormitory style or individual rooms. The transitional living environment must be clean and conducive to alcohol and drug-free living.” This language provided corrective/clarifying text that was inadvertently left off previous text versions to include all relevant information that is provided under the DRC Program.
- **Subsection 3521.3(b)** which was established in the 15-Day Renotice was deleted in the 2nd 15-Day Renotice. Subsection (a) which was established in the 15-Day Renotice was then renumbered (b) in the 2nd 15-Day Renotice. In the 15-Day Renotice, text was added for clarity and consistency, and incorporated language from deleted Section 3525 (Eligibility Criteria), and was configured into the text according to the Program’s specific requirements. Language for new Subsection 3521.3(b) read “The following parolees will be considered on a case-by-case basis for participation in the DRC Program.” Subsections 3521.3(b)(1) through (b)(7) were created which listed the “case-by-case” criteria for participation in the DRC Program. These Subsections were established to provide for better clarity, the criteria for parolees that were to be considered on a case-by-case basis for participation in the DRC Program. Additional changes to this Subsection were provided in the following:
- **2nd 15-Day Renotice.** Subsection 3521.3(b) created in the 15-Day Renotice, was deleted in the 2nd 15-Day Renotice, as it was determined by the Department that only two criterion factors were applicable for participation in the DRC Program, and those factors were to be considered on a case-by-case basis. Language for 3521.3(b) was changed to now state “All parolees are eligible for placement in the DRC Program who voluntarily agree to participate in the program, except the following parolees who shall be considered on a case-by-case basis.” Previous Subsections 3521.3(a)(1) and 3521.3(a)(2), which are now 3521.3(b)(1) and 3521.3(b)(2) are the two criterion factors that are to be considered on a case-by-case basis for participation in the DRC Program.

New Subsection 3521.3(c). In the 15-Day Renotice, this Subsection was created due to the incorporation of text from Sections 3524 and 3525 into this Section. New text reads as “Parolees remain on active parole status while participating in the DRC Program.” This provides clarity and consistency to this Article.

Reserved titled Section 3521.4 and new text are adopted.

3521.4. Computer Literacy Learning Center Program.

Section 3521.4. In the originally proposed text, language in this Section defined and established in the regulations, the Computerized Literacy Learning Program (CLLC), which is a computer-assisted

instructional program designed to increase the literacy skills of parolees, resulting in increased parolee employability and parole success. This was one of the major components of the Preventing Parolee Crime Program as was generally described in Section 3521, and for consistency needed to be described within these regulations.

The goal of the program is to raise the literacy skills a minimum of two grade levels and/or up to the sixth grade level for 40 percent of the participants with a basic proficiency in reading, writing, and computational skills. These are skills that are necessary for a successful reentry back into the community. This Section provided each parolee participant, a clear overview and understanding of the goal, intent and services provided by the CLLC which would enhance the participant's chances of success within the program, and a more successful parole and reentry back into the community. In the original proposed text, language also provided that there were no exclusionary criteria for parolee admittance into the CLLC Program except as provided in Section 3524. Additional changes were also provided in the following:

- **15-Day Renotice.** The title of this Section was changed to reflect it as "Computerized Literacy Learning Center Program," which more accurately identified it as a Component Program within the Preventing Parolee Crime Program. There were no changes to the text language in Section 3521.4, but there were changes to the Subsection of this Section, which included the incorporation of Sections 3524 and 3525 (Exclusionary Criteria and Eligibility Criteria), and required renumbering and reorganization of the existing Subsection, as well as the creation of new Subsections.
- **2nd 15-Day Renotice.** For correction, the title of the CLLC Program was changed to "Computer Literacy Learning Center Program." New language was added to state "All parolees are eligible for placement in the CLLC Program who voluntarily agree to participate in the program." Due to this change, Subsections 3521.4(a), 3521.4(b), and 3521.4(c) were deleted.

Subsection 3521.4(a). In the 15-Day Renotice, the originally proposed Subsection 3521.4 was deleted and replaced with new Subsection 3521.4(a) for clarity and consistency throughout this Article. New text provided that "All parolees are eligible for placement in the CLLC Program who voluntarily agree to participate in the program, except the following parolees who shall be excluded:" Subsections 3521.4(a)(1) through (a)(8) were created to list the exclusionary criteria for the CLLC Program. These Subsections were to provide better clarity of the exclusionary criteria applicable to the CLLC Program. Due to changes incorporated, as stated above, for the 2nd 15-Day Renotice, Subsection 3521.4(a) was deleted as it was determined by the Department for corrective purposes that there is no exclusionary or eligibility criteria necessary for participation in the CLLC Program.

New Subsection 3521.4(b). In the 15-Day Renotice, this Subsection was added to provide the criteria for parolees that are to be considered on a case-by-case basis for participation in the CLLC Program. Subsections 3521.4(b)(1) through (b)(7) listed this criterion. The Subsections 3521.4(b)(1) through (b)(7) were to provide for better clarity, the criteria for parolees that were to be considered on a case-by-case basis for participation in the CLLC Program. Due to changes incorporated in the 2nd 15-Day Renotice, Subsection 3521.4(b) was deleted, as it was determined by the Department that there is no exclusionary or eligibility criteria necessary for participation in the CLLC Program, therefore any language referencing case-by-case determination also needed to be deleted.

Reserved titled Section 3521.5 and new text are adopted.

3521.5. Drug Treatment Network Program.

Section 3521.5. In the originally proposed text, language in this Section defined and established within the regulations, the Substance Abuse Treatment and Recovery (STAR) Program. A major component of

the Preventing Parolee Crime Program, the STAR Program is an education based program designed to provide substance abuse and relapse prevention instruction to parolees in need of substance abuse education.

This language provided a clear understanding that would help each parolee participant understand the critical services that are provided. This in turn, would enhance his or her chance of a successful parole and reentry back into the community. Additional changes were also provided in the following:

- **15-Day Renotice.** The title of this Section was changed to reflect it as “Drug Treatment Network Program,” which more accurately identified it as a Component Program within the Preventing Parolee Crime Program. In the first sentence, the text “Substance Abuse Treatment and Recovery (STAR) Program” was relocated for more appropriate placement and meaning. New text “The Drug Treatment Network Program utilizes,” was added to show that the Drug Treatment Network Program utilizes education based programs, which currently includes, but is not limited to, the STAR Program.
- **2nd 15-Day Renotice.** As determined by the Department, new language was added which stated “All Parolees are eligible for placement in the Drug Treatment Network Program who voluntarily agree to participate in the program.” As a result of this change, Subsections 3521.5(a), 3521.5(b), and 3521.5(c) were deleted as there are no longer any excluding or case-by-case criteria for participation.

Original Subsection 3521.5(a). In the originally proposed text, this Subsection provided that there were no exclusionary criteria for admittance into the STAR Program, except as provided in Section 3524. This was necessary for clarity and consistency within these regulations. Additional changes were also provided in the following:

- **15-Day Renotice.** The originally proposed text in this Subsection was deleted and replaced with new language for clarity and consistency within this Article. New language stated “All parolees are eligible for placement in the Drug Treatment Network Program who voluntarily agree to participate in the program, except the following parolees who shall be excluded:” As a result of this change new Subsections 3521.5(a)(1) through (a)(8) were created, which listed the exclusionary criteria applicable to the Drug Treatment Network Program. These Subsections were to provide better clarity of the exclusionary criteria applicable to the Drug Treatment Network Program.
- **2nd 15-Day Renotice.** As stated above, Subsection 3521.5(a) was deleted, as it was determined that there is no exclusionary or eligibility criteria necessary for participation in the Drug Treatment Network Program.

New Subsection 3521.5(b). In the 15-Day Renotice, this Subsection was added for clarity and consistency, and incorporated language from Section 3525 (Eligibility Criteria), which is now deleted, and configured language according to the Program’s specific requirements. New language for this Subsection provided “The following parolees will be considered on a case-by-case basis for participation in the Drug Treatment Network Program.” The Subsections 3521.5(b)(1) through (b)(7) listed the criteria for parolees that were to be considered on a case-by-case basis for participation in the Drug Treatment Network Program. These Subsections were to provide for better clarity the criteria for parolees that were to be considered on a case-by-case basis for participation in the Drug Treatment Network Program.

In the 2nd 15-Day Renotice. As stated above, Subsection 3521.5(b) was deleted, as it was determined by the Department that there is no exclusionary or eligibility criteria necessary for participation in the Drug Treatment Network Program, therefore any language concerning case-by-case determination is no longer

appropriate and is therefore deleted. In addition, 3521.5(c) was deleted as this information was no longer relevant for Drug Treatment Network Program participation.

Reserved titled Section 3521.6 title and text are deleted, and Section number 3521.6 is reserved for future use.

3521.6. Reserved

Section 3521.6. In the originally proposed text, language in this Section, originally titled Job Placement Assistance Networks, defined and established within the regulations the Offender Employment Continuum (OEC) Program. The OEC Program provides services to eligible inmates as they reach 120 days before release to parole through a comprehensive three week or 90-hour employability readiness workshop and transitions them into the workforce upon parole by providing referrals to existing CDCR funded employment services in the community. The “120 days” requirement “before release to parole” and the workshop time frames provided in the text, was determined as the necessary amount of time needed for inmates participating in the OEC Program, to complete the workshop and prepare for release to parole. This text and the program that it represented helped prepare participating inmates for future employment, which is a key factor in an inmate/parolee’s success while on parole, and subsequent release from parole.

In the Initial Statement of Reasons, explanation provided that the OEC program was currently contracted and administered by the Orange County Department of Education, in which workshops are currently located at the following five locations: Avenal State Prison, Central California Women’s Facility, R.J. Donovan Correctional Facility, California State Prison-Solano, and Valley State Prison for Women. For those participants who complete the OEC workshop, employment placement services are conducted at designated parole offices throughout the state.

Additional changes were also provided in the following:

- **15-Day Renotice.** The title of this Section was changed from the originally proposed text, to reflect it as “Job Placement Assistance Program,” which more accurately identified it as a Component Program within the Preventing Parolee Crime Program. The text “Offender Employment Continuum (OEC) Program” was removed and replaced with “The Job Placement Assistance Program,” for clarity in understanding that the OEC Program is the program that is currently being utilized by the Job Placement Assistance Program. Additional text was added which stated “Job placement assistance is provided through, but is not limited to, the Offender Employment Continuum (OEC) Program.” In the last sentence, language read as “The Job Placement Assistance Program transitions inmates/parolees into the workforce,” for a more accurate meaning.
- **2nd 15-Day Renotice.** As previously stated, it was determined that the Job Placement Assistance Program was no longer part of the Preventing Parolee Crime Program, therefore Section 3521.6 was deleted in its entirety with the Section number reserved for future use.

The following provides a description of the originally proposed Subsections:

Subsection 3521.6(a). In the 15-Day Renotice, for better clarity and organization, the Exclusionary Criteria text which was previously in Section 3524, now deleted, was relocated and incorporated into this Subsection, and configured according to the Program’s specific requirements. Subsections 3521.6(a)(1) through (a)(5) listed the exclusionary criteria applicable to the Job Placement Assistance Program. This clarified the exclusionary criteria for the Job Placement Assistance Program.

As provided in the 2nd 15 Day Renotice, this Subsection was deleted, as it was determined that the Job Placement Assistance Program is no longer part of the Preventing Parolee Crime Program.

Subsection 3521.6(b). In the 15-Day Renotice, this Subsection was added for clarity and consistency, and incorporated language from Section 3525 (Eligibility Criteria), now deleted, and configured language according to the Program's specific requirements. New language for this Subsection read as "The following parolees will be considered on a case-by-case basis for participation in the Job Placement Assistance Program." The Subsections 3521.6(b)(1) through (b)(5) clarified the criteria for parolees that were to be considered on a case-by-case basis for participation in the Job Placement Assistance Program.

In the 2nd 15-Day Renotice, Section 3521.6, "Job Placement Assistance Program" was deleted, as it was determined that the Job Placement Assistance Program is no longer part of the Preventing Parolee Crime Program. However, job placement assistance is provided as part of the Preventing Parolee Crime Program. The PSC, RMSC, and DRC component programs all have a service component to assist with job placement; furthermore some Preventing Parolee Crime Programs make referrals to employment services within the Adult Programs Division of the California Department of Corrections and Rehabilitation.

Reserved titled Section 3522 and new text are adopted.

3522. Preventing Parolee Crime Program Placement.

Subsection 3522(a). In the originally proposed text, language specified that placement into a Preventing Parolee Crime Program varied dependent upon the needs of the parolee, and type of program that was required. This language was necessary to clearly establish that the program varied and was based on the needs of the parolee. This better ensured success for each individual in the program.

Additional changes were also provided in the following:

15-Day Renotice. As a special note, in the Initial Statement of Reasons, the title of this section was incorrectly titled "Preventing Parole Crime Program Placement." The Initial Statement of Reasons should have said "Preventing Parolee Crime Program Placement." In Subsection 3522(a) the word "Component" was added to the first sentence so that it read as "Placement into a Preventing Parolee Crime Component Program." This clarified that each of the programs within the Preventing Parolee Crime Program are components of the Preventing Parolee Crime Program.

Subsection 3522(a)(1). In the originally proposed text, language in this Subsection specified that residential placement times may vary and that they may range anywhere from 90 days to 180 days and some parolees may be allowed to stay longer, up to a maximum of one year, as determined on a case-by-case basis. The time frames of 90 days and 180 days were established because substance abuse treatment providers typically offer up to six months of treatment in various modalities, which include: detoxification (the social model not requiring medical intervention or hospitalization), residential treatment, Sober Living Environment (SLE), and outpatient services. The 90 day aftercare program is provided because parolees may be placed into short term residential SLE or long term SLE, or an additional 180 days up to one year at some locations, depending upon program availability to provide a foundation for independent living. Again, the intent of this language was to meet the individual needs of each parolee participant.

No changes were made to this Subsection in either the 15-Day Renotice, or the 2nd 15-Day Renotice.

Subsection 3522(a)(2). In the originally proposed text, this Subsection provided that placement in a non-residential program will vary depending upon the program. This was necessary for a clear understanding

concerning non-residential placement, and to provide the necessary flexibility regarding program availability.

No changes were made to this Subsection in either the 15-Day Renotice, or the 2nd 15-Day Renotice.

Subsection 3522(b) specified that staff shall not require that a parolee attend Alcoholics Anonymous, Narcotics Anonymous, or any other religious based program if the parolee refuses to participate in such a program for religious reasons. Under these circumstances, the parolee shall be referred to an alternative non-religious program. This ensured that each parolee had the greatest opportunity for success without having to deal with any potential religious conflict.

Additional changes were also provided in the 2nd 15-Day Renotice. The words “an alternative” were removed to avoid unnecessary language, and the word “based” was added for clarity, so that the sentence now reads “Under these circumstances, the parolee shall be referred to a program that is a non-religious based program.” In addition, new language was added which stated “To facilitate program participation it may be necessary to transfer the parolee to another county, as provided in subsection 3523(b).” This language provided clarity in regard to placement in the Preventing Parolee Crime Program.

Reserved titled Section 3523 and new text are adopted.

3523. Procedures for Placing Parolees in a Component Program of the Preventing Parolee Crime Program.

Section 3523. In the originally proposed text, language in this Section established in the regulations the procedures for placing parolees in a Preventing Parolee Crime Program. This language was necessary to provide a clear understanding and as direction to staff, the current processes and procedures that are followed by the Department.

Additional changes were also provided in the 15-Day Renotice. The title was revised to add the words “Component Program of the,” to provide a clearer understanding.

Subsection 3523(a). In the originally proposed text, language specified that the parole agent of record may request to place parolees in Preventing Parolee Crime Program facilities via the Reentry Specialist/Coordinator. It also specified that requests for placement shall be accomplished utilizing the CDCR Form 1502 (Rev. 10/06), Activity Report. Reference to the CDCR Form 1502 was being established within other Title 15, Division 3 regulations, specifically Section 3721.1. Because of this, the CDCR Form 1502 was not incorporated by reference into the text, and a copy of the form was not made available for public review.

Additional changes were also provided in the 15-Day Renotice. For corrective purposes, the words “of record” and “request to” were removed, along with reference to “Reentry Specialist/Coordinator,” as it was determined to be unnecessary and confusing. Text now correctly provided that “Parole agents may place parolees in a Component Program of the Preventing Parolee Crime Program utilizing the CDCR Form 1502 (Rev.10/06), Activity Report.”

Subsection 3523(b), now deleted. In the originally proposed text, language specified as part of the current process, that the Parole Planning and Placement Agent may request the agent of record to refer parolees to Preventing Parolee Crime Program facilities via the Reentry Specialist/Coordinator through the Parole Planning and Placement process prior to release from prison.

Changes in the 15-Day Renotice: The originally proposed Subsection 3523(b), was deleted to remove references to the “Parole Planning and Placement Agent” and to the “Reentry Specialist/Coordinator,” which were determined to be unnecessary and confusing language.

Subsection 3523(c), now 3523(b). In the originally proposed text, language provided as a directive to staff, that placement into some of the Preventing Parolee Crime Programs may be accomplished via the

visitation permit process pending the completion of the CDCR Form 1233 (Rev. 10/06), Transfer Investigation Request/Travel Permit/OBIS Notification, which was to be incorporated by reference into these regulations. Text specified this was the form utilized by the Department for this purpose. A copy of this form was made available for public review.

Additional changes were also provided in the 15-Day Renotice. Subsection 3523(c) was renumbered as Subsection 3523(b) and was amended. For clarity and consistency within the language of the proposed text, text now reads as “Placement into some Component Programs of the Preventing Parolee Crime Program may require placement into a county outside of the parolee’s county of last legal residence, as defined in PC Section 3003.”

In addition, language was amended to remove confusion concerning the use of the CDCR Form 1233. Although a multi-use form, it was determined that reference to the CDCR Form 1233 was not appropriate for this text and the processes described, therefore it was deleted.

Additional language was added to further address issues relevant to the procedures for placement in a Preventing Parolee Crime Component Program outside of the county of last legal residence. New text specifies that when reviewing a transfer outside of the county of last legal residence, compliance with the requirements of PC Section 3003 must be considered.

Subsection 3523(d), now 3523(c). In the originally proposed text, language specified that a parolee’s continued presence at a Preventing Parolee Crime Program facility was contingent upon the parolee participating in the program at the discretion of the Reentry Specialist and the Facility Manager/Director. Text specified that the agent of record would make the final decision on any issues that could not be resolved between the Reentry Specialist and the Facility Manager/Director. This language was necessary to ensure parolee participation, and if there were any issues that could not be resolved, provided the processes and responsibilities by which any final decisions would be made.

Additional changes were provided in the 15-Day Renotice. Subsection 3523(d) was renumbered as Subsection 3523(c) and was amended. For better clarity and consistency within the text, the word “at” was removed and replaced with “in”, and “Component Program of the”, was added prior to the words “Preventing Parolee Crime Program.” The word “facility” was removed, and “Component Program facilitator and the parole agent” replaced “Reentry Specialist and the Facility Manager/Director.” In the second sentence, “agent of record” was replaced with “parole unit supervisor” along with new language which reads “will consider all case factors and the parolee’s overall adjustment into the community.” In addition, the text “between the Reentry Specialist and the Facility Manager/Director” was replaced with “between the Component Program facilitator and the parole agent.”

3524. Reserved.

The title to reserved Section 3524 is deleted and Section number 3524 is reserved for future use.

The following provides a background description of the originally proposed Subsections.

Section 3524 and Subsections 3524(a) through (h). In the originally proposed text, these Subsections were to be adopted to establish the criteria that may exclude a parolee from participating in the Preventing Parolee Crime Program. This was done to ensure the safety and security of the public, staff and program participants. The following specified parolees were deemed excluded: Parolees who are required to register pursuant to Penal Code Section 290; parolees who have a current or prior conviction for arson pursuant to Penal Code Sections 451(a), 451(b) or 451.5; parolees with a felony hold. Parolees with pending felony criminal charges; validated prison gang members; parolees in need of detoxification; all interstate parolees; any inmate released to non-revocable parole as provided for in section 3505. This

language originally was to provide to both staff and parolees, a clear understanding of why a parolee may be determined ineligible for the program.

Additional changes were provided in the 15-Day Renotice. The title and text were deleted in their entirety, with Section number 3524 being reserved for future use. For better clarity and organization within this Article, this Section was deleted, with the Exclusionary Criteria instead being incorporated into each individual Component Program's Section, and configured according to each Component Program's specific exclusionary requirements.

Reserved Section 3525 title is amended and new text is adopted.

3525. Preventing Parolee Crime Program Site Restriction.

Section 3525 and Subsections 3525(a) through (g) in the originally proposed text, were to be adopted to establish in the regulations, the criteria that will be considered, on a case-by-case basis, for parolee participation in the Preventing Parolee Crime Program. Text specified that generally all parolees are eligible in the Preventing Parolee Crime Program except as provided in Section 3524. This Section also provided reference to specific parolees, who for the purpose of the safety and security of the public, staff, and program participants required a case-by-case review. This was to provide a clear understanding to both staff and parolees, who may be considered for the program and again ensured the safety and security of the public, staff and program participants. The reason for specifying the parolees considered listed in this Section was to make specific, the following parolees who were eligible for the Parolee Preventing Crime Program on a case-by-case basis: Parolees who have a past or current violent felony conviction pursuant to PC Section 667.5(c); parolees who have a current felony conviction pursuant to PC Section 1192.7(c) and/or 1192.8; Civil addict commitments; parolees with a misdemeanor hold; parolee who are designated high notoriety; parolees who have a restraining order/court order and/or victim notification in the county of the facility; and street gang members. Case-by-case basis is defined as a comprehensive review of each parolee's progress on parole, and to otherwise make modifications to the management of each parolee's case plan

Additional changes were provided in the following:

- 15-Day Renotice. The title and text were deleted in their entirety with Section number 3525 being reserved for future use. For better clarity and organization within this Article, this Section was deleted, with the Eligibility Criteria instead being incorporated into each individual Component Program's Section, and configured according to each Component Program's specific requirements.
- 2nd 15-Day Renotice and subsequent non-substantive clarifying changes in the final regulation text. A new title and text were provided for this Section. The title now reads as "Preventing Parolee Crime Program Site Restriction." **Subsections 3525(a) – (a)(2)** provided new language which specified that all PPCP Component Programs, as described in section 3521, shall ensure that the property line of any new program facility meets the site restriction criteria. New Subsections 3525(a)(1) and 3525(a)(2) provided this criteria. The 300 ft. requirement was implemented by the Division of Adult Parole Operations for the purposes of addressing public safety concerns, and for establishing a consistent model for the requirements to be used when a Preventing Parolee Crime Program facility is proposed in the community. This implementation was to also take into consideration the preventing of sex offenders from loitering within 300 ft. of a place where children congregate. The 300 ft. rule was determined to be a sufficient amount of distance necessary to ensure safety, and to comply with any local ordinances that may be in effect within a city or county. This language also provides the needed clarification and makes specific the site restriction criteria for the PPCP that ensures that all local ordinance zoning restrictions are

followed, and that a program facility is no closer than 300 feet from a school, park, daycare facility, or where children regularly gather.

Reserved titled Section 3526 and new text are amended and adopted.

3526. Status While Participating in the Preventing Parolee Crime Program.

Section 3526. In the originally proposed text, language in this Section established that parolees shall remain on active parole status while participating in a Preventing Parolee Crime Program. This was necessary in order to ensure that the parolee's parole period, normally three years, was not interrupted because of their attendance and participation in a program, except for just cause.

Additional changes were provided in the 15-Day Renote. The title was amended to remove the word "Programming," replacing it with "Participating" which was more appropriate, and adding the word "the" so that the title read as "Status While Participating in the Preventing Parolee Crime Program," which provides for a clearer understanding. In addition, for clarity and consistency within the proposed text of Section 3526, the word "a" was replaced with "the" and the words "facility or program" were removed for more appropriate meaning.

Reserved titled Section 3527 and new text are adopted.

3527. Evaluation.

Section 3527 is adopted. Text provided that the Preventing Parolee Crime Program will be continually monitored to examine the program's impact upon the supervision, control, and sanction of parolees under the jurisdiction of the chosen sampled parole units. This language provided regulatory compliance and made specific the requirements of PC Section 3068.

There were no changes to this Section in either the 15-Day or 2nd 15-Day Renote.

DETERMINATION:

The Department has determined that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected persons.

ASSESSMENTS, MANDATES, AND FISCAL IMPACT:

This action will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

The Department in proposing amendments to these regulations has relied upon a report completed by the California State University San Marcos, dated December 2003, and titled "An Evaluation of the California Preventing Parolee Crime Program".

The Department determines this action imposes no mandates on local agencies or school districts; no fiscal impact on State or local government, or Federal funding to the State, or private persons. It is also determined that this action does not affect small businesses nor have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states because they are not directly affected by the internal management of State prisons; and no costs or reimbursements to any local agency or school district within the meaning of Government Code Section 17561. The Department has made an initial determination the proposed action will have no significant effect on housing costs. Additionally, there has been no testimony or other evidence provided that would alter the Department's initial determination.

PUBLIC HEARING COMMENTS

Public Hearing: Held June 2, 2010, at 9:00 a.m.

No one commented at the Public Hearing.

SUMMARIES AND RESPONSES TO WRITTEN PUBLIC COMMENTS

One written comment was received.

Commenter #1

Comment 1A: Commenter states that in these economic times there is not sufficient funding available to realistically fund the programs in such a way that it would really be effective. Commenter references that since the opening of Kern Valley State Prison in 2005, CDCR has not been able to fund an arsenic treatment facility to bring the Prison's water in compliance with minimal EPA national standards.

Accommodation: None

Response 1A: The Department disagrees with commenter, in that an evaluation was done as stated in the Initial Statement of Reasons, and as per compliance with the requirements of PC Section 3068, which mandate the Preventing Parolee Crime Program. This evaluation/study proved the benefits and success of the program which reduced the rate of recidivism, therefore proving the program's worth and justification, and ultimately State savings of costs for re-incarceration. Currently funding is in place for the Preventing Parolee Crime Program, with a budget of approximately \$32 million.

Concerning the second part of the comment regarding an arsenic treatment facility, the Department responds by saying that although the above comment does regard some aspect or aspects of the subject proposed regulatory action and must be summarized pursuant to Government Code Section 11346.9(a)(3), the comment is either insufficiently related to the specific action, or too generalized or personalized to the extent that no meaningful response can be formulated by the Department in refutation of or accommodation to the comment.

Comment 1B: Commenter notes that incarcerated prisoners and newly released parolees do not have immediate access to Penal Codes, and in many instances a Title 15 handbook. Of those that do possess a Title 15 handbook, many do not read it due to literacy problems or the systematic dumbing down of those incarcerated.

Accommodation: None

Response 1B: As stated in the Initial Statement of Reasons, portions of the relevant Penal Code language were duplicated in the regulations due to the fact that the target population for the CCR Title 15, Division 3, namely incarcerated inmates and newly released parolees, do not have immediate access to current California Penal Code editions for review. By providing this language, this helps to ensure a complete understanding of the program and its components.

Comment 1C: Commenter states that although the regulation may provide clarity, such is defeated by institutionalized apathy exuded towards the rules and regulations by correctional officials and likewise mimicked by the prisoner population. Commenter continues that only 2-3 percent of the population exercise the basic insight of even looking up an issue in the Title 15, which suits the purposes of prison staff/officials who simply do what they want to do, irrespective of what the regulations set forth.

Accommodation: None

Response 1C: Although the above comment does regard some aspect or aspects of the subject proposed regulatory action and must be summarized pursuant to Government Code Section 11346.9(a)(3), the comment is either insufficiently related to the specific action, or too generalized or personalized to the extent that no meaningful response can be formulated by the Department in refutation of or accommodation to the comment.

Comment 1D: Commenter states the above comment is further compounded by the fact that in many cases they can not obtain official assistance via a Correctional Counselor, etc. in understanding the regulation/laws affecting them, so they tend to ask other prisoners who either simply don't know and guess at it, or have a life sentence and tend to purposely seek to confuse the issue further either out of resentment/spite, or to win brownie points, or to simply mislead. Commenter closes by stating that the Statement of Reasons basically sets forth plausible justification, but the reality is that the funding is not available as is demonstrated by the closing of the few community correctional facilities, and the resources that may be delegated will be mismanaged, misappropriated, or otherwise abused by those charged with implementation of the Preventing Parolee Crime Program, since success means less job security in the prison industrial complex in California.

Accommodation: None

Response 1D: With regard to the funding issue, see Response 1A. As for the remainder of the comment, the Department responds by saying that although the above comment does regard some aspect or aspects of the subject proposed regulatory action and must be summarized pursuant to Government Code Section 11346.9(a)(3), the comment is either insufficiently related to the specific action, or too generalized or personalized to the extent that no meaningful response can be formulated by the Department in refutation of or accommodation to the comment.

15-DAY RENOTICE:

Public comment period was October 29, 2010 through November 15, 2010

A 15-Day Renotice was forwarded to the one commenter who provided either verbal or written comment during the original 45-day public comment period. In addition, the Renotice was placed on the Department's internet and intranet websites. No comments were received.

2nd 15-DAY RENOTICE:

Public comment period was December 28, 2010 through January 14, 2011

A 2nd 15-Day Renotice was forwarded to the one commenter who provided either verbal or written comment during the original 45-day public comment period. In addition, the 2nd 15-Day Renotice was placed on the Department's internet and intranet websites. No comments were received.